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EXAMINER

NGUYEN, TOAN D

ART UNIT PAPER NUMBER

2665

DATE MAILED: 01/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/240,434

Applicant(s)

O'NEAL ET AL.

Examiner

Toan D Nguyen

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 January 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/27/04, 10/04/04, 10/22/04
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because it is more than 150 words. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gossett Dalton, Jr. et al. (US 6,426,955) in view of Sikora et al. (US 6,449,646).

For claims 1 and 49, Gossett Dalton, Jr. et al. disclose Internet telephony call routing engine, comprising:

a plurality of point of presence (POP) telephony servers, coupled to the telephone network, and coupled to said web server via a data network, said plurality of POP telephony serves for connecting to said first 104 and second telephonic devices 118 via both the telephone network and the data network upon a data command received from said web server 122 via the data network (figure 1, col. 3 line 57 to col. 4 line 21).

However, Gossett Dalton, Jr. et al. do not disclose:

a user computer, having a data connection to a web server, for requesting the web server to initiate a telephonic connection between first and second telephonic devices coupled to a telephone network, said user computer requesting the web server

to initiate the telephonic connection by specifying the first and second telephonic devices and a type of communication between the first and second telephonic devices; and

wherein said data command is issued by said web server via the data network and via said one or more of the plurality of POP telephony servers to said first and second of telephonic devices in response to said web server being requested via the data connection between the user computer and the web server by a user controlling said user computer whereby the data command results in the initiation of the telephonic connection between the first and second telephonic devices via the telephone network and the data network.

In an analogous art, Sikora et al. discloses;

a user computer (figure 1, reference 18), having a data connection to a web server (figure 1, reference 24), for requesting the web server (figure 1, reference 24) to initiate a telephonic connection between first (figure 1, reference 16) and second telephonic devices (figure 1, reference 48) coupled to a telephone network (figure 1, reference 26) (figure 9A, reference steps 302-314, col. 11 line 53 to col. 12 line 5), said user computer (figure 1, reference 18) requesting the web server (figure 1, reference 24) to initiate the telephonic connection by specifying the first (figure 1, reference 16) and second telephonic devices (figure 1, reference 48) (figure 9A, reference steps 302-308, col. 11 lines 53-63) and a type of communication between the first and second telephonic devices (col. 11 line 49); and

wherein said data command is issued by said web server (figure 1, reference 24) (col. 5 line 67 to col. 6 line 5) via the data network (figure 1, reference 28) and via said one or more of the plurality of POP telephony servers to said first and second of telephonic devices in response to said web server (figure 1, reference 24) being requested via the data connection between the user computer (figure 1, reference 18) and the web server (figure 1, reference 24) by a user controlling said user computer whereby the data command results in the initiation of the telephonic connection between the first (figure 1, reference 16) and second telephonic devices (figure 1, reference 48) via the telephone network (figure 1, reference 26) and the data network (figure 1, reference 28) (figure 9A, reference steps 302-314, col. 5 line 67 to col. 6 line 5, and col. 11 line 53 to col. 12 line 5).

Sikora et al. Disclose wherein the type of communication comprises one or more of the following: email, voice connection, and telephone conferencing (col. 3 lines 19-22 as set forth in claim 49).

One skilled in the art would have recognized a user computer, having a data connection to a web server to use the teachings of Sikora et al. in the system of Gossett Dalton, Jr. et al. Therefor, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use the user computer, having a data connection to a web server as taught by Sikora et al. in Gossett Dalton, Jr. et al.'s system with the motivation being to provide the routing and resource allocation for an IP telephone call transaction (col. 11 lines 48-49).

For claim 2, Gossett Dalton, Jr. et al. disclose wherein said computer comprises:
a personal computer (figure 1, references 109 and 115, col.6 lines 26-27);
a personal digital assistant (PDA);
or a set-top box.

For claim 3, Gossett Dalton, Jr. et al. disclose wherein said data connection comprises an internet connection (figure 1, col. 4 lines 6-8).

For claim 4, Gossett Dalton, Jr. et al. disclose wherein said web server comprises a server on the internet, for receiving said initiating from said user computer, and for providing said command to said plurality of telephonic devices (figure 1, col. 6 lines 48-50).

For claim 5, Gossett Dalton, Jr. et al. disclose wherein said telephonic connection comprises a voice to voice connection (figure 1, col. 3 lines 62-63 and col. 4 lines 4-6).

For claim 6, Gossett Dalton, Jr. et al. disclose wherein said plurality of telephonic devices comprises: land line telephones; cellular telephones; or personal digital assistants (figure 1).

For claim 7, Gossett Dalton, Jr. et al. disclose wherein said plurality of telephonic devices are coupled to said telephone network (figure 1, col. 3 lines 62-64 and col. 4 lines 4-6).

For claims 8-11, Gossett Dalton, Jr. et al. disclose wherein said plurality of POP telephony servers are coupled to said plurality of telephonic devices via said telephone network, and to said web server via a data network (figure 1, col. 3 line 62 to col. 4 line 12).

For claim 12, Gossett Dalton, Jr. et al. disclose wherein said data command by said web server comprises:

- a telephone number pertaining to a selected telephonic device to be called; and
- an IP address of a selected POP telephony server (col. 6 lines 48-53).

For claims 13 and 14, Gossett Dalton, Jr. et al. disclose wherein said web server provides a data command to each of said plurality of POP telephony servers that are to establish a telephonic connection (col. 6 lines 48-53).

For claims 15, 21-22 and 50, Gossett Dalton, Jr. et al. disclose Internet telephony call routing engine, comprising:

- a first telephony server, coupled to the first telephone network and to the data network (figure 1, col. 3 lines 62-64);

- a second telephony server, coupled to the second telephone network and to the data network (figure 1, col. 4 lines 4-6); and

- a web server, coupled to the data network and coupled to said first and second telephony servers via the data network (col. 6 lines 23-32).

However, Gossett Dalton, Jr. et al. do not disclose:

- a user computing device, coupled to the data network, for making a selection of the first and second telephone devices and a type of communication between the first and second telephone devices, and for providing said selection to said web server;

- wherein, upon receipt of and in response to said selection of the first and second telephone devices and the types of communication from said user computing device, said web server is requested by the computing device via the data network between the

user computing device and the web server to issue commands to said first and second telephony servers to call the first and second telephone devices, respectively, and to initiate voice communication between them via the first and second telephone networks and via the data network whereby said first and second telephonic devices are connected via the first and second telephone networks in response to a command from said web server provided to said first and second telephony servers via said data network.

In an analogous art, Sikora et al. disclose:

a user computing device (figure 1, reference 18), coupled to the data network (figure 1, reference 28), for making a selection of the first (figure 1, reference 16) and second telephone devices (figure 1, reference 48) (figure 9A, reference step 302, col. 11 lines 53-57) and a type of communication between the first (figure 1, reference 16) and second telephone devices (figure 1, reference 48) (col. 11 line 49), and for providing said selection to said web server (figure 1, reference 24) (col. 11 lines 53-57);

wherein, upon receipt of and in response to said selection of the first (figure 1, reference 16) and second telephone devices (figure 1, reference 48) and the types of communication from said user computing device (figure 1, reference 18) (col. 11 line 49), said web server (figure 1, reference 24) is requested by the computing device via the data network (figure 1, reference 28) between the user computing device (figure 1, reference 18) and the web server (figure 1, reference 24) to issue commands to said first and second telephony servers to call the first and second telephone devices (figure 9A, col. 11 lines 53-64), respectively, and to initiate voice communication between them

via the first and second telephone networks and via the data network whereby said first and second telephonic devices are connected via the first and second telephone networks in response to a command from said web server provided to said first and second telephony servers via said data network (figure 9A, col. 5 line 67 to col. 6 line 5, and col. 11 line 53 to col. 12 line 5).

Sikora et al. Disclose wherein the type of communication comprises one or more of the following: email, voice connection, and telephone conferencing (col. 3 lines 19-22 as set forth in claim 50).

One skilled in the art would have recognized a user computing device to use the teachings of Sikora et al. in the system of Gossett Dalton, Jr. et al. Therefor, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use the user computing device as taught by Sikora et al. in Gossett Dalton, Jr. et al.'s system with the motivation being to provide the routing and resource allocation for an IP telephone call transaction (col. 11 lines 48-49).

For claim 16, Gossett Dalton, Jr. et al. disclose wherein the first and second telephone devices comprise: land line telephones; cellular telephones; or other voice capable telephonic devices coupled to a telephone network (figure 1).

For claim 17, Gossett Dalton, Jr. et al. disclose wherein said computing device comprises: a personal computer; a laptop computer; or a personal digital assistant (figure 1).

For claim 18, Gossett Dalton, Jr. et al. disclose wherein the first and second telephone networks comprising local telephone switches coupled to the first and second telephone devices, respectively (figure 1, col. 3 lines 62-64 and col. 4 lines 4-6).

For claims 19-20, Gossett Dalton, Jr. et al. disclose wherein the data network comprises:

- the internet;

- a local area network; or

- a wide area network (figure 1, col. 4 lines 6-8).

For claims 23 and 51, Gossett Dalton, Jr. et al. disclose internet telephony call routing engine, comprising:

- a first telephony server, coupled to the first telephone network and to the data network (figure 1, col. 3 lines 62-64);

- a second telephony server, coupled to the second telephone network and to the data network (figure 1, col. 4 lines 4-6),

- a web server, coupled to the data network and coupled to said first and second telephony servers via the data network (figure 1, col. 6 lines 23-36); and

- wherein said web server comprises a POP database for storing an IP address for said first and second telephony servers, and for associating telephone numbers with either of said first or second telephony servers (col. 6 lines 23-53); and

However, Gossett Dalton, Jr. et al. do not disclose:

- a user computing device coupled to a data network, for requesting the communication between the first and telephones devices;

said computing device for making a selection of the first and second telephone devices and a type of communication between the first and second telephone devices, and for providing said selection to said web server as a data command via the data network;

wherein, upon receipt of said data command indicating said selection from said user computing device, said web server commands said first and second telephony servers to call the first and second telephone devices, respectively, and to initiate voice communication between them via the first and second telephone networks and via the data network; and

wherein when said user computing device selects said first and second telephone devices and the type of communication between the first and second telephone devices, and provides said selection to said web server, said web server determining which of said first and second telephony servers are associated with said selected first and second telephone devices.

In an analogous art, Sikora et al. disclose:

a user computing device (figure 1, reference 18) coupled to a data network (figure 1, reference 28), for requesting the communication between the first (figure 1, reference 16) and telephones devices (figure 1, reference 48) (figure 9A, col. 11 lines 53-64);

said computing device (figure 1, reference 18) for making a selection of the first (figure 1, reference 16) and second telephone devices (figure 1, reference 48) (figure 9A, col. 11 lines 53-64) and a type of communication between the first and second

telephone devices (col. 11 line 49), and for providing said selection to said web server (figure 1, reference 24) as a data command via the data network (col. 5 line 67 to col. 6 line 5 and col. 11 lines 53-64);

wherein, upon receipt of said data command indicating said selection from said user computing device (figure 1, reference 18), said web server (figure 1, reference 24) commands said first and second telephony servers to call the first and second telephone devices, respectively, and to initiate voice communication between them via the first and second telephone networks and via the data network (figure 9A, reference steps 304-306, col. 5 line 67 to col. 6 line 5, and col. 11 lines 57-62); and

wherein when said user computing device (figure 1, reference 18) selects said first (figure 1, reference 16) and second telephone devices (figure 1, reference 48) and the type of communication between the first and second telephone devices (col. 11 line 49), and provides said selection to said web server, said web server determining which of said first and second telephony servers are associated with said selected first and second telephone devices (figure 9a, col. 11 line 53 to col. 12 line 5).

Sikora et al. Disclose wherein the type of communication comprises one or more of the following: email, voice connection, and telephone conferencing (col. 3 lines 19-22 as set forth in claim 51).

One skilled in the art would have recognized a user computing device to use the teachings of Sikora et al. in the system of Gossett Dalton, Jr. et al. Therefor, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use the user computing device as taught by Sikora et al. in Gossett Dalton, Jr. et al.'s

system with the motivation being to provide the routing and resource allocation for an IP telephone call transaction (col. 11 lines 48-49).

For claims 27-29, Gossett Dalton, Jr. et al. disclose wherein said first and second telephony servers are located in different cities (figure 1).

For claims 30 and 52, Gossett Dalton, Jr. et al. disclose Internet telephony call routing engine, comprising:

a plurality of point of presence (POP) servers, each coupled to a local telephone network, and to the data network (figure 1, col. 3 line 62 to col. 4 line 8);

a web server, coupled to said plurality of POP servers via the data network, said web server configured to receive information associated with the two or more telephony devices, for selecting one or more POP servers from said plurality of POP servers, and for initiating voice communication between the two or more telephony devices via the telephone network and via the data network (col. 6 lines 21-36).

However, Gossett Dalton, Jr. et al. do not disclose:

a user communication initiation device, coupled to said web server via said data network, for providing a data command to said web server, said data command specifying the two or more telephony devices and a type of communication among the two or more telephony devices, said user communication initiation device further requesting the web server via the data network to initiate the voice communication between the two or more telephony devices via the telephone network and via the data network based on the data command.

In an analogous art, Sikora et al. disclose:

a user communication initiation device (figure 1, reference 18), coupled to said web server (figure 1, reference 24) via said data network (figure 1, reference 28), for providing a data command to said web server (figure 1, reference 24) (col. 5 line 67 to col. 6 line 5), said data command specifying the two or more telephony devices and a type of communication among the two or more telephony devices, said user communication initiation device further requesting the web server via the data network to initiate the voice communication between the two or more telephony devices via the telephone network and via the data network based on the data command (figure 9A, col. 5 line 67 to col. 6 line 5, and col. 11 lines 53-64).

Sikora et al. Disclose wherein the type of communication comprises one or more of the following: email, voice connection, and telephone conferencing (col. 3 lines 19-22 as set forth in claim 52).

One skilled in the art would have recognized a user computing device to use the teachings of Sikora et al. in the system of Gossett Dalton, Jr. et al. Therefor, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use the user computing device as taught by Sikora et al. in Gossett Dalton, Jr. et al.'s system with the motivation being to provide the routing and resource allocation for an IP telephone call transaction (col. 11 lines 48-49).

For claim 31, Gossett Dalton, Jr. et al. disclose wherein said POP server comprise:

a data server, for sending and receiving data over the data network (col. 4 lines 1-2); and

a telephony server, coupled to said data server and to a telephone network, for receiving voice from the telephone network and for providing the voice to said data server for transmission over the data network (figure 1, col. 3 line 62 to col. 4 line 2).

For claim 32, Gossett Dalton, Jr. et al. disclose wherein said telephony server further receives data from the data network and provides the data to the telephone network (figure 1, col. 3 line 62 to col. 4 line 2).

For claim 33, Gossett Dalton, Jr. et al. disclose wherein said POP servers further comprise voice/data conversion for converting voice to streaming audio format, and for converting streaming audio format to voice (col. 3 lines 64 to col. 4 line 2 and col. 4 lines 6-12).

For claims 34 and 35, Gossett Dalton, Jr. et al. disclose wherein, upon command from said web server, said selected one or more POP servers connect the two or more telephone networks (col. 6 lines 21-53).

For claim 36, Gossett Dalton, Jr. et al. disclose wherein said communication initiation device comprises: a telephony device coupled to said web server via a data network; or a personal computing device (col. 6 lines 21-53).

For claims 37-39, Gossett Dalton, Jr. et al. disclose wherein said communication initiation device selected from a predefined list ones of the two or more telephony devices for communication (figure 1, col. 6 lines 21-53).

For claims 40 and 53, Gossett Dalton, Jr. et al. disclose internet telephony call routing engine, comprising:

c) associating local telephony servers with the provided information (figure 2, col. 5 lines 20-30).

However, Gossett Dalton, Jr. et al. do not disclose:

a) selecting via a user computing device the two telephony devices to be connected;

b) providing by a data command from the user computing device via the data network information associated with the two telephony devices and a type of communication between the two telephony devices to a web server;

d) commanding from the web server that the associated local telephony servers initiate communication with their associated telephony device via the data network;

wherein voice communication between the two telephony devices via at least one of the telephone networks and via the data network is initiated by the web server in response to said web server being provided with data command.

In an analogous art, Sikora et al. disclose:

a) selecting via a user computing device (figure 1, reference 18) the two telephony devices (figure 1, references 16 and 18) to be connected (figure 9A, reference step 302, col. 11 lines 53-64 and col. 12 lines 3-5);

b) providing by a data command from the user computing device (figure 1, reference 18) via the data network (figure 1, reference 28) information associated with the two telephony devices (figure 1, references 16 and 18) (col. 5 line 667 to col. 6 line 5) and a type of communication between the two telephony devices to a web server (figure 1, reference 24) (figure 9A, col. 11 line 49);

d) commanding from the web server (figure 1, reference 24) that the associated local telephony servers initiate communication with their associated telephony device via the data network (col. 5 line 67 to col. 6 line 5 and col. 11 line 65 to col. 12 line 5);

wherein voice communication between the two telephony devices (figure 1, reference 16 and 48) via at least one of the telephone networks (figure 1, reference 26) and via the data network (figure 1, reference 28) is initiated by the web server in response to said web server being provided with data command (figure 9A, col. 5 line 67 to col. 6 line 5 and col. 11 line 66 to col. 12 line 5).

Sikora et al. Disclose wherein the type of communication comprises one or more of the following: email, voice connection, and telephone conferencing (col. 3 lines 19-22 as set forth in claim 53).

One skilled in the art would have recognized selecting via a user computing device to use the teachings of Sikora et al. in the system of Gossett Dalton, Jr. et al. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use the selecting via a user computing device as taught by Sikora et al. in Gossett Dalton, Jr. et al.'s system with the motivation being to provide the customer browser sends a request message to the voice-over-IP gateway 30 requesting an IP telephone call (col. 11 lines 62-64).

For claim 41, Gossett Dalton, Jr. et al. disclose wherein said selecting is performed via a personal computer device coupled to the data network (figure 1).

For claim 42, Gossett Dalton, Jr. et al. disclose wherein the information associated with the two telephony devices comprises telephone numbers (col. 4 lines 36-42).

For claim 43, Gossett Dalton, Jr. et al. disclose wherein said associating relates the telephone numbers to IP addresses associated with the local telephony servers (col. 3 line 64 to col. 4 line 1).

For claim 44, Gossett Dalton, Jr. et al. disclose further comprising: converting voice data to streaming audio, and streaming audio to voice data to allow voice data to be transmitted to and from the two telephony devices over the data network (figure 1, col. 3 line 64 to col. 4 line 13).

For claim 45, Gossett Dalton, Jr. et al. disclose wherein said user computer selects first and second telephonic devices for communication and provides said selection to said web server via the data network, said web server determining which of said telephony servers are associated with said first and second telephonic devices (col. 6 lines 21-53).

For claims 46-48, Gossett Dalton, Jr. et al. disclose wherein said user computing device selects said first and second telephone devices for communication, and provides said selection to said web server via the data network said web server determining which of said first and second telephony servers are associated with said selected first and second telephone devices (col. 6 lines 21-53).

6. Claims 24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gossett Dalton, Jr. et al. (US 6,426,955) in view of Sikora et al. (US 6,449,646) further in view of Tel (US 5,943,648).

For claim 24, Gossett Dalton, Jr. et al. in view of Sikora et al. do not disclose streaming audio conversion, for converting streaming audio to and from other computer audio formats. In an analogous art, Tel discloses streaming audio conversion, for converting streaming audio to and from other computer audio formats (col. 2 lines 15-17). Tel discloses further wherein said web server comprises text/speech conversion, for converting streaming audio to text format, and for converting text format to streaming audio (col. 4 line 1).

One skilled in the art would have recognized a streaming audio conversion to use the teachings of Tel in the system of Gossett Dalton, Jr. et al. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use the streaming audio conversion as taught by Tel in Gossett Dalton, Jr. et al.'s with the motivation being to provide for transmission of the data stream to receiving systems having such audio signal generators (col. 2 lines 17-19).

7. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gossett Dalton, Jr. et al. (US 6,426,955) in view of Sikora et al. (US 6,449,646) and Tel (US 5,943,648) further in view of Lang et al (US 6,188,683).

For claim 25, Gossett Dalton, Jr. et al. in view of Sikora et al. and Tel do not disclose wherein said other computer audio formats comprise Real Audio format. In an

analogous art, Lang et al disclose wherein said other computer audio formats comprise Real Audio format (col. 11 line 38).

One skilled in the art would have recognized wherein said other computer audio formats comprise Real Audio format to use the teachings of Lang et al in the system of Gossett Dalton, Jr. et al. with the motivation being to provide calling parties 30 having access to a computer 32 with multi-media capability (col. 11 lines 39-40).

Response to Arguments

8. Applicant's arguments with respect to claims 1-53 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment on June 14, 2004 necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

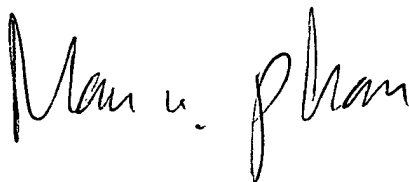
Art Unit: 2665

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan D Nguyen whose telephone number is 571-272-3153. The examiner can normally be reached on M-F (7:00AM-4:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TN
TN



MAN U. PHAN
PRIMARY EXAMINER